

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**UNITED STATES OF AMERICA**

**v.**

**CAUSE NO. 1:14CR20-LG-RHW-1**

**KEVIN GERGARD PARFAIT**

**ORDER DENYING MOTION TO MODIFY JUDGMENT**

BEFORE THE COURT is the [87] Motion to Modify Judgment filed by Defendant Kevin Gerard Parfait. The Motion (which is styled as a letter to the Court) asks the Court to Order that his federal sentence run concurrently with his parole on a conviction from the State of Louisiana. For the reasons that follow, Parfait's Motion will be denied.

Parfait is currently an inmate in the custody of the Federal Bureau of Prisons housed at the United States Penitentiary in Atwater, California. He pleaded guilty to one count of possessing stolen firearms in violation of 18 U.S.C. §§ 922(j) and 924(a)(2). The Court sentenced him to a term of imprisonment of 104 months, with 3 years of supervised release and a fine of \$8100. Judgment was entered in this matter on November 19, 2014.

The instant Motion would have the Court revisit the Judgment entered five-and-a-half years ago and retroactively deem his sentence to run concurrent with any sentence he might receive from the State of Louisiana for violating the terms of his parole. But 18 U.S.C. § 3221's grant of original jurisdiction over criminal proceedings does not "give the district court jurisdiction over all post-conviction

motions.” *United States v. James*, 728 F. App’x 818, 822 (10th Cir. 2018); *see also United States v. Wahi*, 850 F.3d 296, 300 (7th Cir. 2007) (holding that entry of final judgment in a criminal case “ended the court’s § 3231 jurisdiction”). Parfait does not assert a basis for this Court’s jurisdiction. His Motion must accordingly be denied for lack of subject matter jurisdiction.

Additionally, the Court would note that it is without authority to instruct a court in Louisiana to impose any sentence it might find appropriate concurrent with Parfait’s federal sentence. As Parfait presents the facts, the State of Louisiana has placed a detainer on him for violating parole when he was charged in this federal case. So he has not yet had a hearing (or sentence) stemming from that alleged parole violation. Assuming the accuracy of this representation, it will be up to the Louisiana court to determine how any state sentence might be imposed relative to the federal sentence he is currently serving.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [87] Motion to Modify Judgment filed by Defendant Kevin Gerard Parfait is **DENIED**.

**SO ORDERED AND ADJUDGED** this the 4<sup>th</sup> day of May, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.  
UNITED STATES DISTRICT JUDGE